

**No. 24-1087**

Consolidated with Nos. 24-1100, 24-1132, 24-1158,  
24-1195, 24-1196, 24-1197, 24-1206

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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COMMONWEALTH OF KENTUCKY, ET AL.,  
*Petitioners,*

V.

ENVIRONMENTAL PROTECTION AGENCY, ET AL.,  
*Respondents.*

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On Petitions for Review from the United States  
Environmental Protection Agency

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**MOTION FOR LEAVE TO FILE  
*AMICUS CURIAE* BRIEF  
IN SUPPORT OF PETITIONERS**

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## **CERTIFICATE OF PARTIES**

Counsel for *amicus curiae* certifies that all parties, intervenors, and amici currently appearing in this Court are listed in State Petitioners' Opening Brief at i-iii, in Initial Brief for Private at i-iv, and on the docket.

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rules 26.1 and 29(c) of the Federal Rules of Appellate Procedure,  
The Buckeye Institute states that it has no parent company and no publicly held  
company owns 10% or more of its stock.

## **MOTION FOR LEAVE TO FILE *AMICUS BRIEF***

Under Federal Rule of Appellate Procedure 29, The Buckeye Institute respectfully moves for leave to file a brief as *amicus curiae* in support of Petitioners. The proposed brief accompanies this motion. Counsel for Petitioners and Respondents consented to the filing of this brief. Counsel also received consent from all Intervenors except Ford Motor Company. Counsel sought consent from counsel for Ford Motor Company but received no response.

The Buckeye Institute is an independent research and educational institution—a think tank—whose mission is to formulate and promote free-market policy in the states. The Buckeye Institute accomplishes its mission by performing timely and reliable research on key issues, compiling and synthesizing data, formulating free-market policies, and marketing those policy solutions for implementation in Ohio and replication across the country. The Buckeye Institute works to restrain governmental overreach at all levels of government. In fulfillment of that purpose, The Buckeye Institute files lawsuits and submits *amicus* briefs. The Buckeye Institute is a nonpartisan, nonprofit, tax-exempt organization, as defined by I.R.C. section 501(c)(3).

The Buckeye Institute seeks to protect individual liberties, especially those liberties guaranteed by the Constitution of the United States against government overreach. In this case, the Environmental Protection Agency exceeded its statutory

authority and ignored key facts and issues to justify a regulatory scheme that American consumers do not want, which Congress has not authorized, and which harms Ohioans and Americans.

*Amicus* briefs by The Buckeye Institute have been regularly accepted by federal courts of appeals and the United States Supreme Court. Mindful of the role of *amicus curiae*, The Buckeye Institute's *amicus* brief does not duplicate the parties' arguments. The Buckeye Institute instead seeks to provide the Court with an economic perspective of the challenged rule and its cost-benefit analysis. The Buckeye Institute filed a similar brief with this Court in a previous challenge to EPA's Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards rule. The EPA relies on the economic analysis underlying that rule to justify the rule challenged in this case.

For these reasons, The Buckeye Institute respectfully asks this Court to grant this motion and permit the filing of the attached *amicus* brief.

Respectfully submitted,

/s/ David C. Tryon

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Leave to File *Amicus Brief* was served on all counsel of record via the Court's electronic filing system this 13th day of September 2024.

Respectfully submitted,

/s/ David C. Tryon  
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*The Buckeye Institute*